

# ***APPENDIX C***

---

---

## ***THE UNMET NEEDS OF WILTON RANCHERIA***

# **The Unmet Needs of Wilton Rancheria:**

## **The Tragic Impacts of Termination**



October 15, 2015

# Table of Contents

List of Figures and Tables.....	3
Executive Summary .....	4
Introduction .....	5
History of Wilton Rancheria.....	6
Termination and Its Effects.....	7
Descriptive Overview of Tribal Membership.....	10
Demography.....	11
Income and Poverty.....	12
Social Services.....	12
Health .....	13
Child Welfare.....	13
Housing.....	14
Summary .....	14
Current Revenues.....	15
Operating Costs.....	16
Health and Family .....	18
Housing.....	19
Education.....	19
Tribal Government.....	19
Resource Protection .....	21
Summary .....	21
Examples of Current Unmet Needs of the Tribe.....	21
Health and Family.....	23
Housing.....	25
Education.....	25
Tribal Government.....	27
Resource Protection .....	29
Potential Effects of the Casino Resort Project.....	29
Employment for Wilton Rancheria.....	30
Summary .....	30

## List of Figures and Tables

Figure 1: Characteristics of Wilton Rancheria 2014.....	11
Figure 2: Wilton Rancheria Member Age Distribution.....	12
Figure 3: Sources of Wilton Rancheria Revenue.....	15
Table 1: Fiscal Year 2014 Budget Categories.....	17
Table 2: Summary of Unmet Needs.....	22

## **Executive Summary**

Prior to the enactment of the California Rancheria Act in 1958, Wilton Rancheria ("Tribe" or "Wilton Rancheria") was economically self-sufficient and enjoyed the reputation of being a model of responsible, effective tribal governance. The immediate and lingering effects of termination were poverty and the health and social problems that accompany poverty. The federal government recognized the problems with termination, abandoned plans to terminate other Indian nations, and restored many of those tribes that had been terminated. On June 8, 2009, Wilton Rancheria was restored to federal recognition. The damage of termination to Wilton Rancheria, however, has not yet been reversed and continues today.

The government of Wilton Rancheria continues to be thoughtful and responsible as it addresses the Tribe's challenges. In this report, we review the Tribe's budget and the programs and services currently available for tribal members, and we identify a partial list of needed projects and programs. Available funds are not only very limited, but more importantly, the Tribe is almost completely dependent on the federal and state governments. In the 2014 fiscal year, the tribal budget depends on the federal government for 42.8 percent of expenditures. The Tribe is also dependent on the state of California's non-gaming Revenue Sharing Trust Fund ("RSTF") for 48.3 percent of its budget. As a result, the Tribe is very vulnerable to cuts in federal and state funding that it cannot control.

One potential source of revenue to improve the quality of life for tribal members is a casino resort. Because the location of the former Wilton Rancheria is in a rural, sparsely populated region of Sacramento County, California, most officials of Sacramento County and of the neighboring city of Elk Grove do not believe that the former rancheria is a suitable or appropriate location for a gaming and resort facility. For this reason, the Tribe has worked with community leaders to identify a casino resort site only eight miles from the former rancheria that is located on a major highway – State Highway 99 – in Sacramento County just north of the city of Galt, California. An agreement between the Tribe and the County of Sacramento is in place to ensure that any significant impacts arising from the casino resort are addressed. A gaming and resort facility would drive economic development and growth for Wilton Rancheria.

This report details the tribal governmental projects that could be funded with revenue from a new casino resort. Many of these projects are priorities that the Tribe cannot presently afford to meet.

# Introduction

The tribal government of Wilton Rancheria is responsible for providing essential services to its ever expanding membership and preserving culture for future generations. Wilton Rancheria desires to provide its members services that include public safety, housing, financial assistance, education, social services, and cultural preservation.

As demonstrated by the analysis below, Wilton Rancheria is desperately in need of a source of revenue in order to provide essential governmental, social, and other services to its members. This study identifies the unmet needs of Wilton Rancheria with particular attention to how revenues from a casino resort in Sacramento County, California might benefit the Tribe. It makes a compelling case for the need for the gaming revenue to address critical tribal needs.

This study consists of the following major parts:

1. A brief history of Wilton Rancheria and especially the catastrophic effects of the federal termination policy.
2. The current economic standing of the Tribe and limited sources of revenue available to Wilton Rancheria.
3. The needs of Wilton Rancheria to maintain current levels of operations and service, to address existing concerns and issues, and to meet future challenges and opportunities.
4. The difference between current revenue streams and the costs of the Tribe's needs.
5. Examples of the Tribe's current and projected unmet needs and the estimated amount of funding necessary to meet those needs.
6. The probable and positive impacts to the Tribe of a casino resort in Sacramento County, California.
7. A summary of findings and conclusions.

# History of Wilton Rancheria

The members of Wilton Rancheria are the descendants of the Plains Miwok who lived and prospered in the Sacramento Valley since time immemorial. After the arrival of Europeans in 1769, the native California population plunged from over 300,000 to about 30,000 by 1860.<sup>1</sup> “This appalling rate of decline resulted from disease, cultural dislocation, dispossession, and – to a lesser extent – outright homicide. Newcomers – Spaniards, Mexicans, and Anglo-Americans – were responsible for these shocking developments.”<sup>2</sup>

However, the Plains Miwok were especially singled out for removal and annihilation by the activities of the incoming settlers and prospectors attracted to the Sacramento area by the discovery of gold in 1849 near Sutter’s sawmill northeast of Sacramento. The influx on white settlers and prospectors was so great that in 1850, only two years after it was taken by the United States from Mexico, the territory of California became the 31st state in the United States. Matters for the Tribes in California worsened over the next decade, in large measure from the pressures from these newcomers seeking land for prospecting and farming, and actual killing of local natives peoples consistent with the 1852 proclamation of the Peter Burnett, California’s first civilian United States governor, “[t]hat a war of extermination will continue to be waged . . . until the Indian race becomes extinct.”<sup>3</sup>

Despite these horrific events, some Plains Miwok and other California Indians survived. Recognizing the need of the growing number of homeless and destitute Indians, in the 1870s, the United States began purchasing or reserving small tracts of land for landless Indians called “rancherias” or “village homes.” The former lands of Wilton Rancheria comprised a tract of 38.81 acres located in Sacramento County, approximately twenty-four (24) miles south of Sacramento, California. These lands were purchased by the United States, on behalf of Wilton Rancheria, in 1927, through funds appropriated for that purpose. 34 Stat. 325, 333 (1906); 35 Stat. 70, 76 (1908). From this time until the Tribe’s termination in 1964, Wilton Rancheria was considered an Indian reservation under the Indian Reorganization Act, 25 U.S.C. § 461, *et seq.* (“IRA”), and “Indian country” under 18 U.S.C. § 1151. The Cosumnes River borders the former lands of Wilton Rancheria and provided a rich bottomland for agriculture and subsistence.

---

<sup>1</sup> Cook, S. (1976). *The Population of California Indians, 1769-1970* (pp. 1-43). Berkeley, CA.

<sup>2</sup> Heizer, R. (Ed.). (1974). *The Destruction of California Indians* (p. v). Lincoln, NE: University of Nebraska Press.

<sup>3</sup> *Journals of the Legislature of the State of California, at Its Second Session: Held at the City of San Jose, Commencing on the Sixth Day of January, and Ending on the First Day of May, 1851* ([San Jose], 1851), 15.

The members of Wilton Rancheria later voted to re-organize themselves under the provisions of the IRA on June 15, 1935.<sup>4</sup> Subsequently, on December 7, 1935, Wilton Rancheria adopted a Constitution and Bylaws. On January 15, 1936, the Secretary of the Interior approved the Tribe's Constitution and Bylaws. In July 1936, Charles J. McKean, Jr. was elected as the first chairman of the Tribe following its reorganization under the IRA.

In the 1950s, Wilton Rancheria was one of the California tribes targeted for a new federal policy that unilaterally ended rights and protections of Native American tribes. This policy – widely recognized as a mistake – caused significant harm to Wilton Rancheria. Despite the restoration of the Tribe in 2009, the adverse effects of termination continue. The harm this policy caused distinguishes Wilton Rancheria from other tribes in the United States that have never been terminated.

## **Termination and Its Effects**

On August 18, 1958, as part of the United States' termination policy, Congress enacted the California Rancheria Act ("Rancheria Act"), P.L. 85-671, 72 Stat. 619, amended by the Act of Aug. 1, 1964, P.L. 88-491, 78 Stat. 390. Section 1 of the Rancheria Act provided that the assets of forty-one (41) named Rancherias – including Wilton Rancheria – would "be distributed in accordance with the provisions" of the Act. The Act transformed the Rancheria into fee land subject to state laws. Tribal rolls were closed. The members of Wilton Rancheria were no longer viewed as Indian, and tribal government structures were relegated to history.

Pursuant to "A Plan for the Distribution of Assets of the Wilton Rancheria" ("Distribution Plan"), the Secretary of the Interior intended to distribute the Tribe's roughly 38.81-acre Rancheria to eleven (11) individual tribal members and the dependent members of their immediate families with two (2) additional lots to be held as community property. Pursuant to Section 3 of the Rancheria Act, in exchange for their agreement to the Distribution Plan, the Distribution Plan provided that the eleven (11) distributees specifically requested that the Bureau of Indian Affairs ("BIA"):

1. Make such surveys as were necessary to convey merchantable and recordable title.
2. Rehabilitate the domestic water system by replacing all leaky and defective water pipes and by providing water connections to all residences.

---

<sup>4</sup> In 1947, Theodore H. Haas, Chief Counsel, United States Indian Service, drafted a report entitled "Ten Years of Tribal Government Under I.R.A." ("Haas Report"). The Haas Report identified the tribes that Interior had determined were eligible to organize under the IRA, the results of each tribe's vote on whether to reorganize, and the tribes that had adopted an IRA constitution. Wilton Rancheria is clearly identified by the Haas Report as having been identified by Interior as eligible to reorganize under the IRA.



3. Construct a road to meet the minimum specifications of the Sacramento County Road Department.
4. Cancel all reimbursable indebtedness to the United States on account of unpaid construction and/or operation and maintenance changes for water facilities.
5. Furnish each distributee with the approximate value of his lot at the time of conveyance.
6. Convey to the distributees unrestricted title to lands constituting Wilton Rancheria.

Pursuant to Section 3 of the Rancheria Act, the action that the distributees requested the BIA to take was mandatory, and the Tribe could not be terminated until such time as the United States satisfied these mandatory obligations. Once these obligations were satisfied, the termination and distribution would be complete and title could be lawfully conveyed to the distributees. However, as explained below, the United States never fulfilled these obligations.

The BIA failed to install water facilities and sanitation systems for Wilton Rancheria that met county requirements. The BIA also violated county standards for road construction with sub-divisions. Finally, the BIA implemented no vocational or educational programs for the benefit of Wilton Rancheria.

Despite the United States' failure to fulfill its obligations, on July 19, 1961, Leonard M. Hill, Area Director, issued a "Completion Statement" indicating that the requirements of the Rancheria Act had been satisfied. On September 22, 1964, then Interior Secretary Stewart L. Udall published in the Federal Register the official notice of the termination of Wilton Rancheria. 29 FR 13146 (September 22, 1964).

Congress reconsidered its policy of termination in favor of Indian self-determination in the 1970s. In 1979, members of Wilton Rancheria joined with members of thirty-three (33) other California Tribes adversely affected by the Rancheria Act to commence a class action lawsuit known as *Tillie Hardwick, et al. v. United States* (C-79-1710-SW) (N.D. Calif.) ("*Tillie Hardwick*"). On February 28, 1980, the distributees of Wilton Rancheria were certified as members of the plaintiff class in this action. The plaintiff class in *Tillie Hardwick* consisted of all persons who received assets of the named rancherias pursuant to distribution plans prepared under the Rancheria Act. In addition to the distributees, their heirs and legatees and all Indian successors in interest to the real property distributed under the Rancheria Act were also parties to the litigation.

In 1983, the parties to the *Tillie Hardwick* litigation entered into a stipulated judgment that, among other things, restored the federal status of the members of

the plaintiff class as Indians under the laws of the United States. It excluded, however, the people of Wilton Rancheria.

Prior to entry of the stipulated judgment in *Tillie Hardwick*, the members of Wilton Rancheria were dismissed from the plaintiff class on the erroneous premise that they no longer owned any of the property that made up the former Rancheria. In fact, at the time several members of Wilton Rancheria owned and resided upon lands within the boundaries of the original Rancheria, either as original distributees or as the heirs or legatees of original distributees.<sup>5</sup> As a result of Wilton Rancheria's mistaken dismissal, the Tribe was not restored in 1983 and continued to suffer the social and economic consequences of termination for many additional years.

It should be noted that termination did not prevent members of Wilton Rancheria from continuing to exercise their tribal rights and from working together as an Indian community. Over the years, the Tribe established various governing bodies including volunteer boards, interim councils, and non-profit corporations.

In 1992, Congress established the Advisory Council on California Indian Policy ("ACCIP"), a statewide Indian Council consisting of representatives of California's federally-recognized, terminated, and unacknowledged tribes. 106 Stat. 2131, as amended by 110 Stat. 766. The ACCIP's mandate included the submission of recommendations to Congress for addressing the needs of California's Indian tribes. In its September 1997 report to Congress, the ACCIP recommended that federal recognition of Wilton Rancheria be immediately restored.

Even after its dismissal from *Tillie Hardwick*, restoration remained at the forefront of the Tribe's concerns. Knowing that restoration required the cooperation of all tribal members, the families worked together to reach a consensus strategy for restoration. In 1998, tribal members began a vigorous pursuit of Congressional support for their restoration. Tribal members worked with the ACCIP and other California tribes seeking restoration, culminating in discussions with legislative staff of the House Resources Committee on an omnibus California bill to provide for the restoration of Wilton Rancheria and other terminated Rancherias. In April 2000, a final bill, sponsored by House Representative George Miller, was drafted that would have restored federal recognition to six (6) California tribes including Wilton Rancheria. However, Wilton Rancheria was not included in the final bill.

After years of effort by Wilton Rancheria, the Federal Government restored recognition to the Tribe on June 8, 2009, 26 years after it should have been restored if it had not been wrongly dismissed in 1983 from the plaintiff class in the *Tillie Hardwick* case. However, restoration did not end or remedy the devastating effects

---

<sup>5</sup> One of the original distributees still living on land located on the former Wilton Rancheria at the time of the *Tillie Hardwick* stipulated judgment in 1983 was Charles J. McKean, Jr., who in 1936 had been elected the first Chairman of the Tribe following its reorganization under the IRA. His grandson, Raymond C. Hitchcock, is the current Chairman of the Tribe.

of termination. The immediate effect of the termination of the Tribe and the resulting distribution of Wilton Rancheria was that:

- There was a fundamental change in land ownership as land passed from the Tribe to individuals.
- The trust relationship between the United States and the Tribe and the Rancheria lands abruptly terminated.
- State and local legislative jurisdiction was imposed.
- State judicial authority was imposed.
- Exemption from state local taxing authority ended.
- Federal programs to the Tribe and its individual members terminated.
- Tribal sovereignty and tribal jurisdictional prerogatives were effectively, though not technically, ended as elements of tribal sovereignty generally cannot be practically implemented by tribes that do not have a land base over which to exercise sovereignty.
- Individuals had to sell land to buyers outside the Tribe because they could not afford property taxes levied as a result of termination.
- As with other communities in social and economic distress, the Wilton Rancheria has experienced increases in alcohol and other drug abuse, gang-related violence, and domestic abuse since termination.

More than fifty years after termination, Wilton Rancheria's economic and cultural integrity is still trying to recover.

## **Descriptive Overview of Tribal Membership**

The unmet needs of Wilton Rancheria can in part be understood through an examination of the characteristics of the Tribe's people. Tribal members experience unusually high levels of poverty and are not as healthy when compared to other groups. In short, the needs are many and serious. **Figure 1** outlines characteristics of Wilton Rancheria.

## **Figure 1**

### **Characteristics of Wilton Rancheria**

### **2014**

These indicators are absolute measures that demonstrate high levels of poverty among the members of Wilton Rancheria.

- Total membership is 703.
- The median age is 22.
- 40.2 percent of Tribe's members are younger than 18.
- 9.3 percent of the Tribe's members are 55 or older.
- 4.9 percent of the Tribe's members are 62 or older.
- 62.4 percent of families are below the federal poverty line.
- 45 percent of adult tribal members are unemployed.

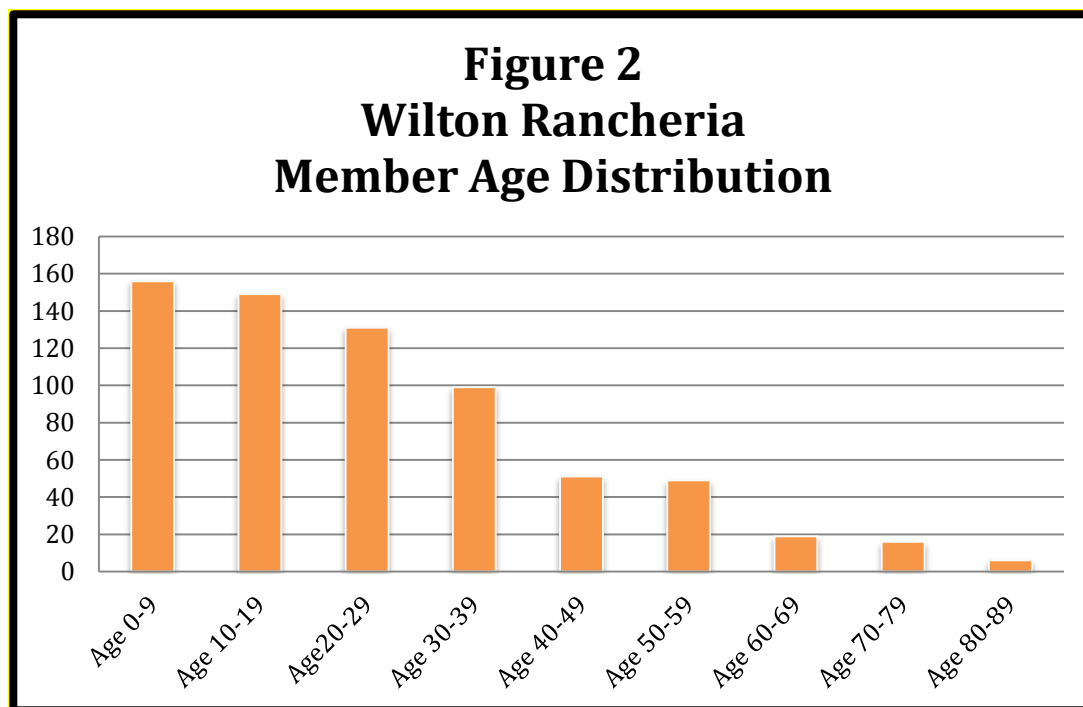
*Source: Wilton Rancheria Census and Enrollment Data 2014.*

### **Demography**

Wilton Rancheria has a total enrollment of 703 members. 9.3 percent of the Tribe's members are 55 or older and 4.9 percent of the Tribe's members are 62 or older.

The Tribe has a larger percentage of younger people than is the average in the United States. 40.2 percent of the Tribe's members are under the age of 18. This percentage is significantly higher than the percentage of the population under 18 in the United States (23.3%) and California (23.9%).

The median age for the Tribe is 22 years of age. **Figure 2** shows the highly skewed member age distribution of the Tribe. In 2013, the Tribe's crude birth rate was 17.8, as compared to a U.S. birth rate of 13. The Tribe's rate of natural increase in 2013 was 1.6 percent, as compared to the U.S. rate of natural increase of .5 percent.



*Source: Wilton Rancheria Census and Enrollment Data, 2014*

The Tribe's current growth rate is two percent (2%). As a result, Wilton Rancheria anticipates that current population will double before the year 2050. The Tribe has an urgent need to undertake substantial economic development to serve its rapidly growing membership.

## **Income and Poverty**

Especially since termination, the Tribe has experienced high levels of poverty and low levels of income. 62.4 percent of the Tribe's families live below the federal poverty line. The higher poverty rates have several sources. The larger proportion of children means that families are more likely to have non-earning members. The large number of single-parent households means that more families have only a single source of income. The incomes that those families earn are lower than average income generally. Finally, the Tribe's unemployment rate is a staggering forty-five percent (45%).

## **Social Services**

Given high unemployment and poverty rates and low income levels, tribal social services are an important safety net. The Tribe offers programs to address social service needs to the greatest extent possible. The majority of funding for these programs comes from the Bureau of Indian Affairs, the U.S. Department of Health and Human Services, and the Department of Housing and Urban Development. For

example, the Department of Housing offers utility assistance, home repair aid, and rental assistance to the tribal membership.

Tribal programs also supply basic support or emergency assistance to individuals ineligible for programs funded through federal grants. The Aid to Tribal Members Program serves as last resort funding for those needing one-time emergency support. The Tribe's Department of Elder Assistance provides monthly supplemental income for the Tribe's elders.

## **Health**

Members of Wilton Rancheria experience lower health status when compared to other Americans. Thirty-eight percent (38%) of tribal members report that members of their household have no health insurance.

Wilton Rancheria ranks poorly in health statistics when considering the following indicators:

- Mortality (death rate for those younger than 75)
- General health
- Mammogram screening
- Smoking during pregnancy
- Teen birth rate
- Sexually transmitted diseases
- Motor vehicle crashes requiring emergency room visits
- Violent crime
- High-school dropout rate
- Proportion of adults lacking a high school degree
- Unemployment rate
- Children in poverty
- Divorce rate
- Single parent households

## **Child Welfare**

Alcohol and drug abuse lies at the heart of the majority of the justice, community safety, and victims' issues facing Wilton Rancheria. Among victimization issues, child abuse, elder abuse, and domestic violence are the most pressing need. Because of the prevalence of alcohol and drug problems, Wilton Rancheria's children, specifically pre-teens and teens, have found themselves most at risk.

Perhaps some of the most staggering statistics related to the Tribe's children are the large number child protection cases, guardianship, and adoption presently pending within state courts. Statistics related to these cases were created through a survey of

members conducted by the Tribe. Of the Tribe's members under the age of 18, thirty-seven - or approximately ten percent (10%) - were found to be living with a person other than one of their natural parents. In fact, the Tribe's survey revealed at least twenty-five (25) children (approximately seven percent (7%) of the Tribe's children) who are presently living with relative placements and foster care homes because of the inability of their parents to care for them. In most cases the inability to provide care is fueled by drug and alcohol issues, and often issues of child abuse and/or domestic violence also have been reported.

In over seventy-five percent (75%) of the cases in which a tribal child is not living with his or her parents, the placement has been made into a non-Indian home. Moreover, closer examination of the survey data results demonstrated to the Tribe that most of the Tribe's children presently living outside of the home are between the ages of ten (10) and sixteen (16). The Tribe is extremely concerned about the large number of teenage and pre-teen minors who have been removed from their homes because of parents' issues with drugs and alcohol and domestic violence.

## **Housing**

Because of the Tribe's termination, members of Wilton Rancheria lost their landholdings at the former Rancheria. As a result, the Tribe's members are now scattered throughout southern Sacramento County. Because of this dispersion of the membership, there is not a tribal housing community. In addition, there are housing problems that impact significant numbers of tribal households.

A recent survey by the Tribe's Housing Department found that most members of Wilton Rancheria rent housing in south Sacramento County. Because of the high housing costs of the area, most residences are inadequate in size to appropriately accommodate all members of the household. In addition, eighty-eight percent (88%) of members reported that their current housing needs repairs. Furthermore, the Tribe estimates that fourteen percent (14%) of the tribal membership can currently be classified as homeless.

## **Summary**

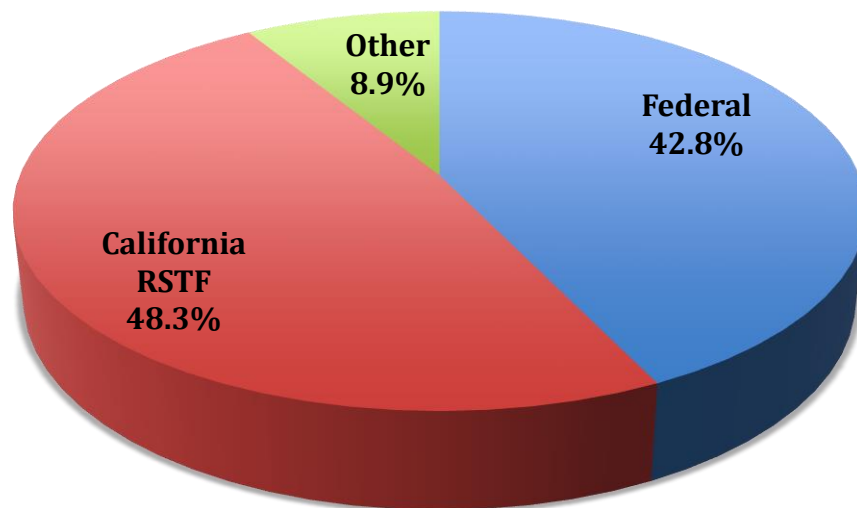
For decades Wilton Rancheria has struggled with low median income levels and high poverty and unemployment rates. Reliance on outside funding for employment of tribal members exacerbates the difficulties of addressing the hardships that tribal members face. The tribal government uses federal and state funds to finance jobs and to assist many tribal members. This funding is continually vulnerable to government budget cuts and is directly contrary to the Tribe's objective of self-sufficiency.

## Current Revenues

Wilton Rancheria is financially very vulnerable. It is unable to contribute the necessary funds for basic governmental services. The Tribe is completely dependent on revenues from sources over which it has little influence or control. Federal grants fluctuate, expire, and are dependent upon annual Congressional appropriation of funds. The future of California's Revenue Sharing Trust Fund is uncertain given the lack of sufficient levels of annual income received by the fund.

As Figure 3 shows, with respect to Wilton Rancheria's fiscal year 2014, a typical expense year for the Tribe, federal funds contributed \$974,394, or 42.8 percent, towards total expenses of \$2,278,204. Funding from California's Revenue Sharing contributed \$1,100,000, or 48.3 percent, towards total expenses. The remaining \$203,810, or 8.9 percent, came from other sources, including loans, fundraising, and donations. This raises another problem for the continuing viability of tribal programs. Because a portion of the Tribe's current cash flow comes from loans, the Tribe is accumulating significant debt and long-term interest accumulation. Clearly, it desperately needs to find a better revenue source.

**Figure 3**  
**Sources of Wilton Rancheria Revenue**  
**Fiscal Year 2014**



Source: Wilton Rancheria, 2014



## Operating Costs

The following analysis and presentation of revenue sources and expenditures patterns of Wilton Rancheria is based on program categories that the Tribe developed for its internal budgeting process. Data is for 2014. This section itemizes and explains the Tribe's 2014 programs and costs. It also highlights Wilton Rancheria's dependency on external sources of funding, especially the state and federal government, even for basic services. These costs and the services do not portray adequate levels of either funding or services. Given the very basic level of services and the interdependence of the Tribe's departments, a funding cut in one program would have serious negative effects on all others.

Like other employers, the Tribe faces the challenge of rising costs of health care for employees and their dependents. In fiscal year 2014, employee and dependent health care for the Tribe's small staff of nine (9) employees will cost \$91,768 (7.9% of the Tribe's total operating costs). Decreases in federal or state funding would require staff layoffs, which would reduce tribal member income, adversely affect health care of the impacted employees, and simultaneously increase the workload of other employees.

Revenue sources and expenditure patterns listed below do not adequately demonstrate Wilton Rancheria's critical needs. In short, the description of programs below should not be interpreted as adequately funded programs and services. Instead, this section is intended to highlight the extraordinary dependence on federal and state funding. In addition, current budgets do not cover some important tribal needs at all.

**Table 1** lists the Tribe's 2014 budget categories by program funding source. A narrative then follows the table describing the current programs funded by the Tribe in each of the categories.

**Table 1**  
**Fiscal Year 2014 Budget Categories**  
**by Program and Funding Source**

<b>PROGRAM</b>	<b>FEDERAL</b>	<b>CALIFORNIA RSTF</b>	<b>OTHER</b>	<b>TOTAL</b>
<b>HEALTH AND FAMILY</b>				
Department of Health	\$274,596	\$0	\$0	\$274,596
Department of Indian Child Welfare	\$40,000	\$9,118	\$0	\$49,118
Department of Elder Assistance	\$0	\$169,313	\$9,630	\$178,943
Aid to Tribal Members Program	\$0	\$15,000	\$0	\$15,000
Burial Assistance Program		\$9,000		\$9,000
<b>HOUSING</b>	\$382,976	\$0	\$0	\$382,976
<b>EDUCATION</b>	\$45,000	\$93,053	\$23,810	\$161,863
<b>TRIBAL GOVERNMENT</b>	\$39,241	\$354,839	\$170,370	\$564,450
<b>RESOURCE PROTECTION</b>				
Department of Environmental Resources	\$79,648	\$0	\$0	\$79,648
Cultural Resources Officer	\$0	\$14,713	\$0	\$14,713

*Source: Wilton Rancheria 2014*

## **Health and Family**

The programs and departments under the health and family category describe the Tribe's services that relate to the spiritual, physical, and mental wellbeing of Wilton Rancheria. These programs and departments include: the Department of Health, the Department of Indian Child Welfare, the Department of Elder Assistance, the Aid to Tribal Members Program, and the Burial Assistance Program.

### **1) Department of Health**

The Department of Health provides assistance with medical costs not covered by insurance to tribal members with health insurance.

### **2) Department of Indian Child Welfare**

The Department of Indian Child Welfare serves youth and families of Wilton Rancheria through culturally appropriate resources. The Department promotes family reunification and support for youth. The Department of Indian Child Welfare oversees Indian Child Welfare Act ("ICWA") requirements, counseling services to children and families, enrollment assistance to adoptees, kinship care services, respite day care, adoption recruitment, coordination of the community child protection team, and administration of the ICWA Family Assistance Program.

### **3) Department of Elder Assistance**

The mission of the Department of Elder Assistance is to respect and honor traditions of tribal elders by providing services that promote independent living and enhance their quality of life. The Tribe currently provides elders with a small monthly monetary distribution. In addition, the Department of Elder Assistance hosts monthly activities for all tribal elders.

### **4) Aid to Tribal Members Program**

The Aid to Tribal Members Program helps tribal members meet basic needs for food, shelter, and clothing. This program provides cash assistance and aid in emergency situations for tribal members who are not eligible for supportive services from other agencies or for medical assistance.

### **5) Burial Assistance Program**

The Burial Assistance Program provides assistance in the payment of burial expenses upon the death of a tribal member or others in the tribal community.

## **Housing**

The **Department of Housing** administers programs that deliver essential services and resources to improve housing and develop affordable housing. The Department provides services to the community through programs such as Down Payment Assistance, Elder Rental Assistance, Emergency Housing Assistance, Housing Management Service, Homeownership Rehabilitation, Rental Deposit Assistance, and Student Rental Assistance. The Tribe received 63 requests for service in 2013 but was able to provide assistance to only 42 members.

## **Education**

The **Department of Education** helps tribal members who want to advance in the work force and who want to pursue higher education. Financial aid application assistance, education counseling, financial aid workshops, and tutoring are available to tribal members through the Department of Education. The higher education program provides educational assistance to tribal members enrolled at colleges or universities. In 2013, this program was able to serve only 24 students. The Department of Education also assists students enrolled in one-year or two-year vocational/technical associate degree, diploma, or certificate programs. In 2013, this program was able to serve only 5 people. The adult education program provides general educational development or high school diploma instruction and training, courses, and job-related workshops. In 2013, this program was able to serve only 8 people.

## **Tribal Government**

In November 2011, the Tribe adopted its modern Constitution, and since that time, the Tribe's leadership has worked diligently to implement and further develop the tribal government. Wilton Rancheria's government is divided into four separate branches according to the Constitution of the Wilton Rancheria:

The executive branch of the Tribe is composed of the Chairperson and Vice Chairperson. The Chairperson's powers include, but are not limited to: administering all departments and committees created by the Tribal Council; proposing legislation and an annual budget to the Tribal Council; calling the Annual and Special meetings of the General Council; and negotiating and entering into compacts, contracts, and agreements with other governments, organizations, and individuals. The Vice-Chairperson has the power to cast the tie breaking vote whenever necessary during meetings of the Tribal Council. The Chairperson and Vice-Chairperson serve staggered four-year terms and are elected by a majority vote of the eligible voters of Wilton Rancheria.

The legislative branch of the Tribe is the Tribal Council. The Tribal Council is made up of seven (7) elected members. The Tribal Council selects from among its members a Spokesperson who presides over meetings of the Tribal Council. The Tribal Council's powers include, but are not limited to: making laws, including codes, resolutions, and statutes; authorizing expenditures and appropriating funds to the various departments in annual budgets; approving any agreements that waive sovereign immunity; and promoting public health, education, charity, and such other services as may contribute to the social advancement of the members of the Tribe. All acts and amendments are submitted to the tribal membership for public review and hearing for a period of thirty (30) days before the Tribal Council considers passage of any final draft of the acts or amendments. *Tribal Council Organization Act of 2012*, 5 WRC § 1-101, *et seq.* Members of the Tribal Council serve staggered four-year terms and are elected by a majority vote of the eligible voters of Wilton Rancheria.

All eligible voters of Wilton Rancheria are entitled to participate in General Council, the third branch of government. The General Council's powers include: proposing amendments to the Constitution; approving amendments to the Constitution; and removing tribal officials. Meetings of the General Council are held annually and as needed.

The Tribe's Constitution provides that the judicial branch of the Tribe shall be the Tribal Court. The Tribal Court has original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of Wilton Rancheria, including cases in which Wilton Rancheria, or its officials and employees, shall be a party. The Tribe has not yet implemented the Tribal Court due to a lack of funding. However, the Constitution and laws of the Tribe already have laid the framework for its structure.

According to the Constitution of Wilton Rancheria, one Chief Judge and one or more Associate Judges shall serve with the Tribal Court. The Tribal Council shall select Tribal Court Judges to serve four-year terms. Judges must be licensed to practice law in any state.

In addition to the basic framework for the Court, the Constitution provides that the Tribal Council may create a Tribal Court panel for appellate review. However, no person serving as Chairperson, Vice-Chairperson, or as member of the Tribal Council may simultaneously serve on any such panel.

Wilton Rancheria will also carry cultural identity forward through its Traditional Court, which shall be comprised of a pool of tribal elders selected by the Tribal Council. An elder is defined by tribal law as a member who is sixty-two (62) years of age or older. The Traditional Court shall advise the Tribal Court on matters of custom and tradition, which represent the Tribe's common law. In this manner, the traditional values of Wilton Rancheria will be kept at the forefront of the Tribal Court's decision-making process.

The expenditures under the tribal government include salaries, benefits, and stipends for tribal officials and general administration staff. It includes government office and equipment rental and purchase. In addition, it includes costs associated with conducting the Tribe's elections and general membership meetings.

## **Resource Protection**

The **Department of Environmental Resources** organizes and executes work relating to environmental management, clean and safe water, clean air, brownfields, emergency management, solid and hazardous waste, and environmental health.

The **Cultural Resources Officer** conducts cultural construction monitoring to make sure that cultural resources are not inadvertently disturbed or destroyed. The officer also ensures that any disturbed cultural resources are repatriated and reburied.

## **Summary**

Quite simply, current services do not meet the needs of the members of Wilton Rancheria; in fact, they fall dramatically short. Every department has a lengthy list of tribal members who cannot be served because of insufficient funding. The severe poverty and the serious health risks of Wilton Rancheria are dramatic indicators of the need for more stable and long term funding. The Tribe's current budget is wholly inadequate to meet the community's needs. The Tribe must develop a sustainable source of reliable revenue in order to meet even the Tribe's most minimal of needs.

## **Examples of Current Unmet Needs of the Tribe**

A rapidly growing tribal population has placed a significant strain on the tribal government's ability to provide essential services to its members. The Tribe is faced with high poverty levels, limited employment opportunities, and a demand for safe and sanitary housing. The Tribe is almost entirely dependent on government funding sources to maintain basic and often inadequate levels of service for its members. Even with this government assistance, the Tribe lacks the funds necessary to maintain programs and services necessary to improve the overall condition of the tribal membership and achieve its goal of true sovereignty through self-sufficiency. Wilton Rancheria is in need of new and reliable income or it will continue to face severe economic challenges, with its members living far below the standards of the non-Indian community.

### **Table 2**

## Summary of Unmet Needs

PROGRAM	INITIAL COSTS	ANNUAL COSTS
<b>HEALTH AND FAMILY</b>		
Health Insurance	-	\$4,867,200
Tribal Clinic	\$8,498,997	\$2,300,000
Rehabilitation Center	\$1,315,150	\$1,667,247
Retirement Income	-	\$756,000
Community Center	\$1,799,312	\$120,000
Boys and Girls Club	\$544,000	\$95,000
Wellness Center	\$6,213,672	\$562,000
Food Distribution Program	\$1,487,000	\$987,000
<b>HOUSING</b>		
	\$2,000,000	\$6,333,000
<b>EDUCATION</b>		
College Scholarships	-	\$5,328,000
Head Start	\$397,450	\$320,000
Tribal Day Care	\$488,500	\$495,000
Job Training and GED Classes	-	\$427,000
Program for Disabled Adults	-	\$478,000
Small Business Center	\$1,253,694	\$766,000
<b>TRIBAL GOVERNMENT</b>		
Administrative Staff	-	\$1,507,536
Administrative Building	\$3,200,000	\$75,000
Tribal Court	\$945,000	\$574,033
Tribal Gaming Commission	\$1,195,000	\$765,377
Tribal Loan Program	\$1,000,000	\$200,000
Land Planning	-	\$220,000
<b>RESOURCE PROTECTION</b>		
Cultural Resources Monitoring	-	\$500,000
Miwok Language Program	-	\$633,000
<b>TOTAL</b>	<b>\$30,337,775</b>	<b>\$29,976,393</b>

**Table 2** above and the following sections provide examples of Wilton Rancheria's current unmet needs and the estimated revenue necessary to meet those needs. The Tribe understands that revenues from its development project may be insufficient to cover all of the current needs of the Tribe and its members. However, the Tribe has sought to identify many of the projects and programs created by other tribes that

have been effective in addressing the social and economic needs of their respective communities.

## **Health and Family**

### **1) Health Insurance**

In order to adequately protect against the trauma and financial hardship that accompanies sickness and injury, Wilton Rancheria needs to provide health insurance to each of its members. The Tribe will need approximately **\$4,867,200/year** (assumes an insurance cost of \$600/month for 676 members) for all of its members to participate in a sufficient health insurance program.

### **2) Tribal Clinic**

Because the Tribe does not have a health clinic, tribal members must travel to other counties to obtain health and dental care from tribal health care providers. The tribal clinic would provide quality, accessible, and comprehensive medical, dental, optical, mental, and community health services. The tribal clinic would need to be approximately 20,000-square feet to house staff doctors, dentists, psychiatrists, mental health counselors, substance abuse counselors, and the Tribe's social services case workers.

At building costs of approximately \$414.95/square foot plus additional costs for land, the cost of the new health clinic would be approximately **\$8,498,997**. The total annual cost to support the operation of the health clinic would be approximately \$10,000,000/year. Health insurance would cover much of the costs of clinic operation. The Tribe estimates the operation shortfall between insurances and costs to be approximately \$2,300,000/year.

### **3) Rehabilitation Center**

Many of Wilton Rancheria's members have struggled with addiction. The Tribe needs to establish a recovery program that will assist members in becoming and staying free from alcohol and drugs. The Tribe seeks to develop treatment services for alcohol and other drug dependence, including residential treatment, aftercare services, assessment, drug testing services, intensive day treatment, and education and support groups.

At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new recovery house would be approximately **\$1,315,150**. According to the Alcohol and Drug Services Study's Cost Study, the average cost per enrolled client per day for non-hospital residential type treatment was approximately \$76.13



(costs estimated to 2002 levels).<sup>6</sup> The Tribe would house twenty clients year-round. Thus, the total annual cost to support the operation of the recovery house (based on 2002 levels plus inflation) would be approximately **\$1,667,247/year**.

#### **4) Retirement Income**

The Tribe currently provides monthly support to its elders. However, the current amount is not sufficient to cover all needs. In addition, as the Tribe's aging population continues to expand, the Tribe will need to set aside additional reserves to cover the monthly support. By 2020, the Tribe will need approximately **\$756,000/year** to cover monthly elder distributions.

#### **5) Community Center**

The Tribe needs to establish a 5000-square foot community center that would allow its members to maintain ties with one another and the Tribe. The tribal government also intends to hold annual meetings with tribal members at this community center. At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new community center would be approximately **\$1,799,312**. The community center will cost approximately **\$120,000/year** to operate.

#### **6) Boys and Girls Club**

The Tribe seeks to develop a Wilton Rancheria Boys and Girls Club. The club would be a non-profit organization providing structured after-school and summer programming to tribal youth. Programming will include tutoring, field trips, anti-drug and anti-alcohol activities, Miwok crafts, and cultural events. Initial costs for the Boys and Girls Club will be approximately **\$544,000**. A Boys and Girls Club costs approximately \$300 per child per year to provide services; the Tribe anticipates that it will serve 100 year children annually. The Tribe estimates that cost of services plus costs of building maintenance for the Boys and Girls Club will be **\$95,000/year**.

#### **7) Wellness Center**

To improve the health of tribal members, the Tribe must increase focus on prevention, wellness, and health maintenance. Thus, the Tribe needs a multi-purposed wellness center that would provide services for tribal members as well as the local community. The multi-purpose wellness center will include a lap pool, a therapy pool, a hot tub, a children's pool, full-size basketball and racquetball courts, an indoor walking/running track, an aerobics room, weight training and cardio equipment, physical therapy services area, a day care, and a youth activities and conference center.

---

<sup>6</sup> Substance Abuse and Mental Health Services Administration. "Alcohol and Drug Services Cost Study." 2004.

At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new wellness center would be approximately **\$6,213,672**. The total annual cost to support the operation of the health wellness center would be approximately **\$562,000/year**.

## **8) Food Distribution Program**

Because Wilton Rancheria is located in an urban county, it has been unable to obtain assistance from the Department of Agriculture in setting up a food distribution program. However, many of Wilton Rancheria's members struggle with poverty and hunger. The food distribution program would provide safe and nutritious food to low-income individuals and families.

The Tribe anticipates the program will serve 200 households. The program will serve 90 to 95 food items, including meats, fresh produce, and seeds. The Tribe will need to build a 4000-square foot distribution center with a fresh produce area, walk-in coolers, walk-in freezers, and dry storage.

At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new food distribution center would be approximately **\$1,487,000**. The food distribution center would cost approximately **\$987,000/year** to run.

## **Housing**

The Tribe estimates that it has a current housing shortage of about fifty homes. This shortage is expected to increase as the tribal population grows. The Tribe estimates that construction of fifteen homes per year will be necessary to meet existing and future housing needs. The Tribe will also need to purchase additional land for future home sites.

Assuming an average size of 1,600 square-feet and a construction cost of approximately \$245/square foot, the Tribe needs approximately **\$6,333,000/year** to construct fifteen new home per year. The Tribe will need an additional **\$2,000,000** year to purchase tracts of land for the housing.

## **Education**

### **1) College Scholarships**

While the Tribe provides very limited, partial tuition scholarships, the Tribe desires to provide full tuition and room and board scholarships to all tribal members accepted to higher education programs who meet minimum grade requirements. The Tribe estimates a cost of **\$5,328,000/year** will be necessary to meet the needs of the Tribe's very young and expanding membership.

## **2) Head Start**

Wilton Rancheria desires to establish a Head Start program that will provide services for tribal children from birth to five-years old. The Tribe anticipates serving 50 children through this program. Initial costs for the Head Start will be approximately **\$397,450**. In addition, the Tribe anticipates that the Head Start program will cost approximately **\$320,000** per year to maintain.

## **3) Tribal Day Care**

The Tribe seeks to develop a tribal day care facility that would provide a safe, stable environment where children can learn, explore, create, and play under the supervision of qualified staff. The facility would be open year round and would provide care for approximately 150 children age 6 weeks through 12 years. The figure for start-up costs for the day care will include \$350 of hard assets per child. Initial costs for the day care will be approximately **\$488,500**. The Tribe anticipates that the day care program will cost approximately **\$495,000** per year to maintain.

## **4) Job Training and GED Classes**

The Tribe would like to create a program to provide job training and GED classes to its members. Providing training and education to achieve self-sufficiency would reduce the length of time that members would require assistance from the Tribe's social services programs. The annual cost to provide job training and GED classes to members would be approximately **\$427,000/year**.

## **5) Program for Disabled Adults**

The Tribe would like to create a program to help the developmentally disabled become more self-sufficient. The program will consist of placement of developmentally disabled members in part-time, highly supervised employment with the Tribe. The Tribe would also provide life learning classes and field trips for all disabled members. The annual cost to run this program will be approximately **\$478,000/year**.

## **6) Small Business Center**

In order to encourage small business development amongst tribal members, the Tribe intends to develop a small business center. The center will provide rent-free office space, free accounting services, marketing consultation, and other guidance to assist new businesses through the first years of operations. Tribal members proposing to start a new business will be able to apply to use the facility and its resources. As the start-up business begins to generate revenue, the center will gradually, start charging

for the use of space and services until the new businesses are capable of running independently.

At building costs of approximately \$312/square foot plus additional costs for land, the cost of the small business center will be **\$1,253,693.97**. Assuming the small business center would require one full-time business consultant/manager with an approximate salary of \$75,000/year and approximately \$500,000 in annual funding for small business assistance, the total annual operating cost will be approximately **\$766,000/year**.

## **Tribal Government**

### **1) Administrative Staff**

Because of limited funding, the Tribe lacks the level of staffing necessary to effectively administer the tribal government and its related administrative programs. Furthermore, the salaries available for tribal employees are inadequate to acquire and retain a skilled work staff. The Tribe estimates that it needs an additional twenty (20) administrative employees. Specifically, these employees are needed in offices of general administration, personnel, finance, and information technology.

In Sacramento County, California, the average salary is \$62,814. As a result, job creation of these positions represents an unmet need in the amount of \$1,256,280 in salaries. When adjusted by twenty percent (20%) to account for benefits, the total cost of the needed additional employees is **\$1,507,536**.

### **2) Administration Building**

The Tribe's is in need of a permanent tribal government administration building that can accommodate all of its needed tribal administrative employees. The Tribe estimates that it will need 150 square feet of office space for thirty (30) employees (4500 sq. ft.). In addition, the Tribe will require reception space, two (2) conference rooms, a file room, a mailroom, a library, and a lunchroom. The Tribe then estimates a 20-30% percent increase in the building size to account for corridors. As a result, the Tribe estimates that a 10,000 square-foot office building will be necessary for the Tribe's administrative needs.

At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new administration building would be approximately **\$3,200,000**. The Tribe estimates that it will cost **\$75,000/year** to maintain the new administration building.

### **3) Tribal Court**

According to some estimates, approximately 275 tribes in the United States maintain court systems. Wilton Rancheria's Constitution establishes the Tribal Court as a branch of government. However, due to lack of funding, the Tribe has yet to be able to physically establish its court.

The Tribal Court will require at least one law-trained judge, one prosecuting attorney, one public defender, and one administrator to meet current and projected needs. The Tribal Court will also require an approximately 2000-square foot building to accommodate court staff. The court building will contain a courtroom, judicial chambers, staff offices, and a law library. At building costs of approximately \$353/square foot plus additional costs for land, the cost of the new Tribal Court would be approximately **\$945,000**. The total annual cost to support the operation of the tribal court would be approximately **\$574,033/year**.

### **4) Tribal Gaming Commission**

The Tribe's Gaming Commission will need to be established. The Wilton Rancheria Gaming Commission will promote and ensure integrity, honesty, and fairness of the operation and administration of gaming and the ancillary activities of the gaming operation. The Commission will issue employee gaming licenses, gaming facility licenses, and oversee the gaming operation to ensure compliance with the Tribe's gaming compact. The Gaming Commission will investigate possible violations, establish minimum internal control standards for the gaming operation, and interact with other regulatory and law enforcement agencies.

The Gaming Commission will require a separate 3000 square-foot office building to maintain the autonomy of the Gaming Commission. In addition, the Gaming Commission will need to be staffed by commissioners and administrative personnel. At building costs of approximately \$312/square foot plus additional costs for land, the cost of the new Gaming Commission building would be approximately **\$1,195,000**. The total annual cost to support the operation of the Gaming Commission would be approximately **\$765,377/year**.

### **5) Tribal Loan Program**

The Tribe intends to institute a loan program to provide loans to tribal members to fund various needs.

The Tribe needs approximately **\$1,000,000** to initially fund a revolving loan program. The Tribe then intends to make annual contributions of the **\$200,000** to the loan program.

## **6) Land Planning**

The Tribe needs to develop a comprehensive plan for the acquisition and development of future tribal lands. The Tribe will need to hire planning staff to prepare and implement a comprehensive plan.

Assuming a salary of \$70,000/year for a Planning Director, the Tribe will need approximately **\$220,000/year** to maintain its Planning Department.

## **Resource Protection**

### **1) Cultural Resources Monitoring**

The Tribe's traditional area is expansive, and the Tribe is in need of additional staffing to make the Cultural Resources Officer full-time and to add five additional staff members. This expanded staff will be able to better conduct cultural construction monitoring to make sure that cultural resources are not inadvertently disturbed or destroyed. The Tribe estimates the cost to run this program of **\$500,000/year**.

### **2) Miwok Language Program**

The Tribe desires to start a Miwok Language Program for all members of the Tribe. The program will offer language classes to adults and children year-round. The program will utilize tribal elders as teachers and classroom assistants. In addition, the Tribe will need to hire fluent Miwok teachers from outside of the Tribe. The Tribe estimates the cost to run this program will be **\$633,000/year**.

## **Potential Effects of the Casino Resort Project**

Various research studies describe the social and economic effects of casinos on Native American tribes. A 2002 study by William Evans and Julie Topoleski compared economic outcomes before and after tribes opened casinos to outcomes in the same period for tribes that did not develop or were prohibited from developing gaming. The study showed that four years after tribes opened casinos, employment increased by twenty-six percent (26%), while the employment-to-population ratio increased five percentage points or about twelve percent (12%). The study also found that the fraction of adults who worked but were poor declined by fourteen percent (14%).<sup>7</sup>

Other studies have reached similar conclusions. For example, a study by Dean Gerstein in 1999 found that unemployment rates decreased by twelve percent (12%)

---

<sup>7</sup> William Evans and Julie Topoleski, *The Social and Economic Impact of Native American Gambling* (Cambridge, MA: National Bureau of Economic Research, 2002), [www.nber.org/papers/w9198.pdf](http://www.nber.org/papers/w9198.pdf).

and that income maintenance and unemployment insurance payments and other welfare benefits all declined.<sup>8</sup>

In addition, a 2000 study by Jonathan B. Taylor, found that communities with an Indian casino experienced a net decline in auto theft and robbery.<sup>9</sup>

Given the extent of poverty, health risks and outcomes, and social challenges faced by Wilton Rancheria, the Tribe will experience significant gains from the casino resort operations. The Tribe will be able to invest revenues from a gaming facility and resort by creating good-paying jobs, expanding educational opportunities, improving social services, and reducing poverty.

## **Employment for Wilton Rancheria**

The Tribe's proposed casino/hotel project will employ approximately 150 to 200 full-time workers during its 18 to 24 month construction period and approximately 2,000 full-time workers during its operation. Sixty-two percent (62%) of the adult population of the Tribe lives in Sacramento County, and seventy-two percent (72%) of the adult population of the Tribe lives within 30 miles of the proposed project at the Twin Cities site. There is a high likelihood that many of these Tribal adults will be able to obtain well-paid employment at the casino and hotel during construction and/or operation. Thus, the casino resort construction and operation would be an opportunity to develop a skilled and experienced Wilton Rancheria workforce that then could also be hired for future projects by the Tribe. In addition, the casino resort will generate income that will create further jobs in the tribal government.

## **Summary**

The revenues and activities of the proposed Wilton Rancheria casino resort will improve the quality of life for tribal members and increase the number of tribal members working for the Tribe. Inevitably, tribal members will fill many of the jobs that the project will generate. With new resources, the Tribe will be able to improve the quality of life for its members. This will encourage those who leave the community for better work opportunities to return.

---

<sup>8</sup> Dean Gerstein et al., *Gambling Impact and Behavior Study: Report to the National Gambling Impact Study Commission* (Chicago, IL: National Opinion Research Center at the University of Chicago, 1999).

<sup>9</sup> Jonathan B. Taylor, Matthew B. Krepps, and Patrick Wang, *The National Evidence on the Socioeconomic Impacts of American Indian Gaming on Non-Indian Communities*. 2000.